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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/559,317	04/12/2006	Karin Klabunde	PHDE030198US	9051
38107	7590	09/28/2007		
PHILIPS INTELLECTUAL PROPERTY & STANDARDS 595 MINER ROAD CLEVELAND, OH 44143			EXAMINER POPE, DARYL C	
			ART UNIT	PAPER NUMBER
			2612	
			MAIL DATE	DELIVERY MODE
			09/28/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No. 10/559,317	Applicant(s) KLABUNDE ET AL.	
	Examiner DARYL C. POPE	Art Unit 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>12/2/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

ART REJECTION:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Helal(7,155,202).

-- In considering claims 1-2, the claimed subject matter that is met by Helal includes:

- 1) the terminal unit is met by the PCD(200);
- 2) the terminal unit transmitting data via short-range radio technology is met by the short range wireless transceiver(160);
- 2) the terminal unit transmitting data via long range radio technology is met by the mobile telephony transceiver(110).

- Helal does not show:

- 1) the switching to a second mode if the quality of the communication like falls below a first predetermined threshold and switching from one mode to the other such that the previous mode is maintained until the link is established via the radio technology of the subsequent mode.

Although not specifically stated by Helal, it would have been obvious that some form of switching means would have been included since Helal teaches communicating

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signals via short or long range technology as desired. Furthermore, it would have been obvious to switch based on the quality of communication link between the short and long range links, and that quality being determined by signal strength, error rate, and/or signal to noise distance since this would have provided the best possible signal for the purpose of transmitting signals. As well, it would have also been obvious to maintain the link of the previous mode, since this would have ensured continuous transmission of a signal such that there would not have been interruption during the switching of the modes.

-- With regards to claims 3, Bluetooth protocol is met(see: column 5, lines 9-15).

-- With regards to claim 4, the examiner takes Official Notice that in the wireless data transmission art, use of WLAN as a long range radio technology is well known in the art, and therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate WLAN into the long range transceiver(110) of Helal, since this would have provided a well known, inexpensive, and reliable means of providing long range communication with the PCD of Helal.

-- With regards to claim 5, the terminal unit having sensors for measuring physiological parameters of a patient is met by the biometric sensors(not shown) that are included in the PCD(see: column 6, lines 4-10).

-- With regards to claim 6, the examiner also takes Official Notice that use of receiving systems that are spatially separated are well known in the art, and therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate these receivers in to the system of Helal, since receivers, such as cell

towers, would have provided better reception of signals in the system, since each tower would have shared the responsibility of receiving the signals from the PCD's(100).

-- Claims 7-10 recite subject matter that is met as discussed in claims 7-10 above.

Conclusion

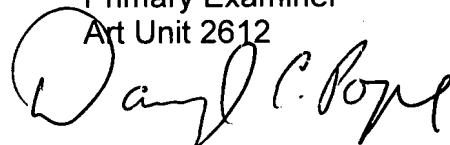
3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DARYL C. POPE whose telephone number is 571-272-2959. The examiner can normally be reached on M-TH 9:00-7:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, DANIEL WU can be reached on 571-272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Daryl C. Pope
September 20, 2007

DARYL C POPE
Primary Examiner
Art Unit 2612

A handwritten signature in black ink, appearing to read "Daryl C. Pope", is written over the printed name and title of the examiner.

14P16 Rec'd PCT/PTO 02 DEC 2005

USPTO form PTO/SB/08A

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Subst. Form PTO-1449		Atty. Dkt No.: PHDE030198US		Serial No. 201559317	
APPLICANT'S(S') INFORMATION DISCLOSURE STATEMENT		Applicant(s): Karin KLABUNDE, et al.			
		Filing Date: herewith		Group: unknown	

U.S. PATENT DOCUMENTS							
Initial		Document No.	Date	Name	Class	Subcl	Filing Date
DP ↓	AA	5,657,317	08-12-1997	Mahany, et al.	370	338	07-22-1994
	AB	5,903,548	05-11-1999	Delamater	370	310	12-19-1996
	AC	2002/0029258 A1	03-07-2002	Mousseau, et al.	709	218	08-09-2001
	AD	6,400,946 B1	06-04-2002	Vazvan, et al.	455	432	03-08-1996
	AE	2002/0093956 A1	07-18-2002	Gurin	370	389	01-16-2002
	AF						
	AG						

FOREIGN PATENT DOCUMENTS							
		Document No.	Date	Country			Translation ?
DP ↓	AO	WO 01/22662 A1	03-29-2001	PCT-Gorsuch			
	AP	WO 01/67684 A2	09-13-2001	PCT-Hartmaier			
	AQ						

OTHER ART		
DP	AR	BERGGREN, M.; Wireless Communication in Telemedicine Using Bluetooth and IEEE 802.11b; 2001; Dept. of IT-Uppsala U.; report 2001-028; pp. 1-32.
	AS	HURA, A.M.; Bluetooth-Enabled Teleradiology: Applications and Complications; 2002; J. of Digital Imaging; 15(1)221-223.
	AT	

Examiner: <i>Daryl C Pope</i>	Date Considered: 9/21/07
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* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if in conformance and not considered. Include copy of this form with next communication to applicant.